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TIM LONGMEYER
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MEMORANDUM

PERSONNEL MEMO 11-06
(REVISED)

To: **Cabinet Secretaries**
Agency Heads
Constitutional Officers
HR Administrators

From: **Tim Longmeyer, Secretary** TML

Date: **Issued April 4, 2011, revised August 26, 2011**

Re: **Personnel Cabinet Emergency Regulation Amendments**
101 KAR 2:095E; 101 2:102E; 101 KAR 3:015E

On March 31, 2011, the Personnel Cabinet filed emergency amendments to regulations 101 KAR 2:095, 101 KAR 2:102, and 101 KAR 3:015. These emergency amendments are necessary to ensure that the administrative regulations align with the terminology and processes utilized by the new Kentucky Human Resources Information System (KHRIS).

The essential features of the emergency amendments are as follows:

1.) 101 KAR 2:095E. Classified service administrative regulations.

- Section 2. The "Hours of Work" provision is amended to explicitly include a forty (40) hour work week along with the thirty-seven and one-half (37 ½) work week. Several state agencies utilize a forty (40) hour work week and KHRIS reflects this practice by incorporating a forty (40) hour work week option. This amendment aligns the regulation with the work week coding in KHRIS.
- Section 5. The "Notice of Resignation and Retirement" section is amended to clarify that an employee may utilize approved sick leave on the last day of employment prior to resignation or retirement. An employee is permitted to utilize approved sick leave on their last day of employment, and KHRIS is programmed accordingly.
- Section 6. The "Records and Reports" section is amended to eliminate the use of the Request for Personnel Action Form P-1 to report a personnel action or status change.

The documentation utilized in KHRIS is a Personnel Action Notification (PAN). Rather than a P-1 form, the Personnel secretary shall provide a PAN to the appointing authority for distribution to the employee. This amendment reflects the use of the KHRIS-generated PAN, which is also incorporated at the end of this regulation by reference.

2.) 101 KAR 2:102E. Classified leave administrative regulations.

- Section 1. The "Annual Leave" section is amended to display the maximum hours of annual leave that may be carried over to the next calendar year by an employee who works a forty (40) hour work week for quick reference. Additionally, this section is amended to clarify that upon resignation any annual leave in excess of the amounts specified in subsection (2)(i) shall be forfeited. This is not a change in practice; rather, the amendment clarifies the treatment of this additional time and KHRIS is programmed consistently with this practice.
- Section 2. The subsection within "Sick Leave" allowing the use of leave for the death of a close family relative is deleted from this section. A new section entitled "Funeral and Bereavement Leave" is created in Section 8 of this regulation. See below.
- Section 3. The "Family and Medical Leave" section is amended to state that an employee is entitled to a maximum of twelve (12) weeks of *unpaid family medical leave* for the birth, placement, or adoption of his or her child. Therefore, this amendment clearly states that the FMLA qualifying condition for the birth or placement of a child shall be treated the same as any other FMLA qualifying event.
- Section 5. The "Compensatory Leave and Overtime" subsection is amended to state that the maximum amount of compensatory leave that may be carried over from one pay period to another is 239.99 hours for an employee in a non policy-making position. This distinction is necessary because a reduction in compensatory leave and subsequent payment (i.e. a block-50 payment) is automatically triggered in KHRIS if an employee retains in excess of 239.99 compensatory leave hours at the end of a pay period.
- Section 8. This amendment creates "Funeral and Bereavement Leave" as a separate section. No substantive changes have been made within the provision. KHRIS contains a new code to denote funeral and bereavement leave, and this section mirrors the coding. All following sections of the regulation are renumbered accordingly.

The accompanying leave regulation for the unclassified service is also amended, for the same reasons the classified regulation (101 KAR 2:102) is amended. For easy reference, the provisions which were impacted are as follows:

3.) 101 KAR 3:015E. Leave administrative regulations for the unclassified service.

- Section 1. "Annual Leave."
- Section 2. "Sick Leave."
- Section 3. "Family and Medical Leave."
- Section 5. "Compensatory Leave and Overtime."
- Section 8. "Funeral and Bereavement Leave."

If you have any questions about the content of this Memorandum, please contact Dinah T. Bevington, Personnel Cabinet, Executive Director, Office of Legal Services at (502) 564-7430 or dinaht.bevington@ky.gov.